

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)3, states that an eligible who is physically unfit to effectively perform the duties of the position may be removed from the eligible list. *N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, also states that an eligible may be removed from an eligible list for other sufficient reasons as determined by the Commission.

The record in this matter indicates that the appellant had a positive drug test for total oxymorphone, which was not listed on his medication sheet. No substantive evidence has been presented to dispute this information. The appellant maintains that the positive result is explained by his prescription for oxycodone-acetaminophen. However, given the fact that the appellant was instructed to continue taking the prescribed oxycodone up until May 5, 2017 and his urine test was also conducted on May 5, 2017, it is unclear as to how the appellant would assume that the drug would no longer be detectible in his system by the time of the drug screen. Thus, since the appellant was taking prescription oxycodone-acetaminophen that caused the positive drug test, the appellant's failure to provide up-to-date verifying documentation undermined the appointing authority's ability to conduct an effective and valid drug test.

ORDER

Therefore, it is ordered that this appeal be denied and the name of Johnny Harris be removed from the eligible list for Police Office (S9999U), City of Orange Township.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 4th DAY OF APRIL , 2018



Deirdre L. Webster Cobb
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